



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

SEP 4 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Daniel J. Fire
Director of Safety
American Bulk Commodities, Inc. and Subsidiaries
R and J Trucking
8063 Southern Blvd
Youngstown, OH 44513

Ref. No. 03-0181

Dear Mr. Fire:

This responds to your July 10, 2003 letter requesting clarification on the use of Special Provision B115 under § 172.102 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of this special provision when transporting "Aluminum smelting by-products or Aluminum remelting by-products, 4.3, UN 3170, PG II" in a dump trailer motor vehicle covered by a roll tarp.

According to your letter, your driver was transporting the Aluminum remelting by-products in a dump trailer covered with a vinyl roll tarp. The driver received a citation from the Ohio State Highway Patrol for using a tarp that did not allow for venting as required under Special Provision B115. It is your understanding that the tarp used on your trailer does keep water out, and, also provides for venting where the tarp sets on the sides and rear of the trailer.

Special Provision B115 authorizes the use of rail cars, highway trailers, roll-on/roll-off bins or other non-specification bulk packagings for transporting these aluminum by-products. Special Provision B115 also requires that these bulk packagings be sift-proof, prevent liquid water from reaching the hazardous material, and be provided with sufficient venting to preclude dangerous accumulation of flammable, corrosive, or toxic gaseous emissions such as methane, hydrogen, and ammonia. In addition, the material must be loaded dry. Based on the information and drawing of the dump trailer with tarp provided in your letter, it is the opinion of this Office that your dump trailer covered with a vinyl roll tarp does meet all the requirements of Special Provision B115, including venting.

I hope this answers your inquiry.

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



030181

172.102

American Bulk Commodities, Inc. and Subsidiaries

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July 10, 2003

Edward Mazzullo
Director of Office of Hazardous Material Standard
USDOT/RSPA (EHM-10)
400 7th Street SW
Washington, DC 20590

Boothe
§ 172.102 (B115)
Special Provisions
03-0181

Dear Mr. Mazzullo;

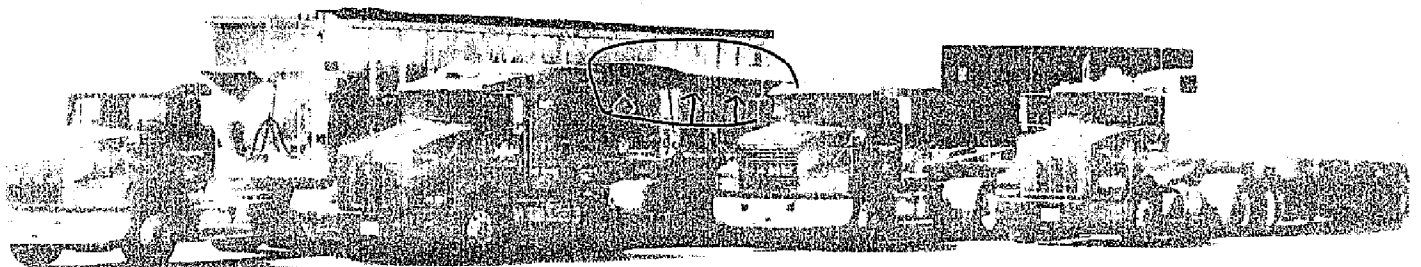
I am writing to you in regards to an interpretation of 172.102 (B115). We transport "Aluminum Processing By-Product", UN3170, PGII, 4.3 ("saltcake"), in aluminum dump trailers covered by vinyl roll tarps. One of our drivers was stopped by the Ohio State Highway Patrol and put out of service because the Trooper stated that the tarp did not allow for venting as required by the above referenced special provision. I spoke with Mike Hines of the PUCO and was told that only a tarp is required to keep water out, but that I would need to get an interpretation from your office. Our roll tarps do indeed keep the water out of the load and also allow for venting where the tarp sets on the sides and rear of the trailer. If you will look to the bottom of this page, I have circled a picture of one of our dump trailers with this type of roll tarp. I am requesting something in writing that I can provide to my drivers to carry in the truck, if indeed we are correct, so we may continue to haul this material without being placed out of service.

I would like to thank you in advance for any help you can give me on this matter. If you have any questions, please feel free to contact me at 800-262-9365.

Yours truly,



Daniel J. Fire
Director of Safety



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